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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

December 15, 1995

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: CC Docket No. 94-102

Dear Mr. Caton:

Transmitted herewith for filing with the Commission on behalf of Bell Atlantic NYNEX Mobile, Inc. for inclusion in the above-referenced proceeding are an original and four copies of its "Comments" on the Petition for Rule Making of the Ad Hoc Alliance for Public Access to 911.

Should there be any questions with regard to this matter, please contact the undersigned.

Very truly yours,

John T. Scott, III

John T. Scott, III

Enclosures

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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DEC 15 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Revision of the Commission's Rules to Ensure)
Compatibility With Enhanced 911 Emergency)
Calling Systems)

CC Docket No. 94-102

DOCKET FILE COPY ORIGINAL

COMMENTS OF BELL ATLANTIC NYNEX MOBILE, INC.

Bell Atlantic NYNEX Mobile, Inc. (BANM),¹ by its attorneys and pursuant to the Commission's Public Notice in this proceeding dated November 13, 1995, hereby submits its initial comments opposing the Petition for Rule Making filed by the Ad Hoc Alliance For Public Access To 911 ("Alliance").

The Alliance requests that the Commission expand this proceeding by imposing two new rules on all cellular carriers (but not on other wireless services). Those rules would (1) require cellular carriers to connect 911 calls from non-subscribers and unauthorized users, and (2) mandate that cellular phones be programmed to select the strongest cellular signal for routing 911 calls. The Alliance claims these rules would improve 911 services. To the contrary, the obligations it proposes would undermine effective 911 services, increase cellular

¹Bell Atlantic NYNEX Mobile, Inc. is the managing general partner of Cellco Partnership, which directly or indirectly holds or controls cellular radiotelephone and point-to-point microwave licenses in numerous markets throughout the United States.

No. of Copies rec'd. 084
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fraud, impose unequal and unjustified burdens on wireless carriers, and be contrary to the public interest. The Petition should be denied.

First, the Alliance's proposal would improperly guarantee persons free access to 911 services nationwide from unregistered and unauthorized cellular phones. This ignores the fact that 911 services impose costs on carriers as well as on public safety answering points (PSAPs), costs that would not be recovered from unregistered callers. Instead, legitimate subscribers, PSAPs and carriers would bear the costs incurred by servicing non-subscribers. Notably, the Alliance does not propose free 911 access from the landline telephone system, so that anyone could place such calls without having to subscribe to local telephone service. The concept is no more justified for wireless services.

Second, allowing access to 911 services by unregistered users is likely to increase fraudulent use of cellular phones and impair emergency services. The Commission has acknowledged the significant costs on carriers and the public resulting from cellular fraud, and has taken actions intended to address this serious problem. See, e.g., Section 22.919. Those efforts would be undermined should non-subscribers have direct access through the nation's cellular systems to PSAPs or to operator services where PSAPs have not yet been established. In addition, prank calls, as well as calls that are not for emergency purposes, are a major problem for PSAPs because they divert emergency response resources to non-emergency situations and may deprive those truly in need of rapid police, fire

and other rescue assistance.² Allowing unregistered users to access cellular networks can only worsen this problem.

Third, the Alliance fails to demonstrate that there is any need for the new regulations it seeks. There is no evidence in the Petition that the public cannot access emergency services, or that allowing access by non-subscribers to cellular systems will somehow improve public safety. The Commission has already determined that it will not impose new requirements on wireless carriers unless there is a "clear cut need" for doing so.³ There is no such need, let alone a "clear cut" one, presented by the Petition.

Fourth, while the Alliance requests that the new rules be imposed only on cellular carriers licensed under Part 22, there would be no lawful basis to single out the cellular industry. Congress has directed the Commission to impose regulations on all providers of commercial mobile radio services (CMRS) in an even-handed manner. See 47 U.S.C. 332(c)(3). And, in its Third Report and Order in GN Docket No. 93-252, which implemented Section 332(c)(3) and adopted a consistent regulatory structure for the CMRS industry, the Commission found that all CMRS services competed with each other and thus should be regulated under

²See attached article detailing the burdens that unjustified 911 calls are imposing on the District of Columbia's emergency services. "Unnecessary 911 Calls Strain D.C.," Washington Post, November 29, 1995, at D3.

³E.g., Petition of the Connecticut Department of Public Utilities Control to Retain Regulatory Control of the Rates of Wholesale Cellular Service Providers, PR Docket No. 94-106 at 10, 13 (1995).

the same structure of rules and policies.⁴ The action the Alliance requests would be contrary to the Commission's established policy of regulatory symmetry for CMRS.

Fifth, the Alliance's proposed rule mandating all new cellular phones to connect to the cellular system with the "strongest" signal is rife with problems. As the Alliance recognizes (Petition at 4), signal strength varies considerably as the caller moves, rendering impractical the concept of selecting the strongest signal. And wireless carriers are deploying several digital technologies (CDMA, TDMA, GSM) which do not necessarily permit phones to switch to the strongest system. This concept would also penalize the carrier with the most intensive coverage by loading all 911 traffic onto its system, potentially impairing its ability to complete all calls.

Finally, the Commission began this proceeding in September 1994, when it proposed comprehensive nationwide 911 procedures for both wireline and wireless services. The Commission developed an extensive record of comments and other information in that proceeding, and should conclude it before taking up additional new issues such as are raised in the Petition. Significantly, the principal national 911 service organizations which filed comments in this docket did not advocate the

⁴Implementation of Sections 3(n) and 332 of the Communications Act, GN Docket No. 93-252, 9 FCC Rcd. 7988, 8021 (1994).

rules that the Alliance now requests, and in fact stated that wireless 911 service should be available only to subscribers.⁵

In sum, there are no grounds to adopt the rules the Alliance requests, and multiple compelling grounds not to do so. The Petition should be denied.

Respectfully submitted,

BELL ATLANTIC NYNEX MOBILE, INC.

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Its Attorneys

Dated: December 15, 1995

⁵See Comments of the Association of Public Safety Communications Officials-International, Inc., the National Emergency Number Association, and the National Association of State Nine One One Administrators, filed January 9, 1995, at 36: "The Commission should require 9-1-1 availability to the fullest extent possible. We realize there may be practical limitations requiring a wireless unit to be "service initialized" and accept those limitations."

Unnecessary 911 Calls Strain D.C.

City Cites Wear on Vehicles, Urges Residents to Stop Abusing System

By Wendy Melillo
Washington Post Staff Writer

The D.C. fire department plans to reverse a five-year-old policy of sending fire engines on low-priority medical calls, officials announced yesterday as they issued a plea to the public to stop calling 911 except for life-threatening emergencies.

In the next year, officials hope to establish a new system to prioritize calls for medical service in an effort to cut wear and tear on the department's equipment, Fire Chief Otis J. Latin Sr. said.

"Our goal is to reduce the number of unnecessary calls for emergency service," he said. On top of the department being strained by budget cuts and aging or broken equipment, fire officials said, some D.C. residents have been using the emergency system as a taxi service, calling for ambulances to transport them to routine medical appointments or to have prescriptions filled.

Residents who misuse the system know to complain of chest pains when calling 911 when what they really want is a ride, officials said.

Those calls are "tying up our ambulances," said Wayne E. Moore, acting director of the city's ambulance service.

Moore said that of the 140,000 calls made last year for which an ambulance was dispatched, half resulted in someone being taken to a hospital. In the first nine months of this year, the department received about 137,000 calls for which an ambulance was dispatched, and again only about half ended in a trip to a hospital, Latin said.

Fire and ambulance officials, activists and advisory neighborhood commissioners, accompanied by props such as a U.S. Park Police helicopter, a fire engine and an ambulance, made their remarks on the lawn facing the Reflecting Pool as they launched the first citywide cam-

paign to educate residents about the proper use of the emergency medical system.

"People have to understand that this is their service and they can't abuse it," Deputy Fire Chief David A. Ryan said. "And we have not done a real good job in getting the word out."

The heavy load has taken a toll on the fire department's equipment. The city has 18 to 26 ambulances on duty every 24 hours, and the flood of calls means often they all are busy at the same time. To keep up with the demand, officials decided in 1990 to send firetrucks as the first response to all medical emergency calls.

A year later, the ambulance shortage was highlighted when Marilyn "Trish" Robinson, a friend of then-Mayor Sharon Pratt Kelly, suffered a severe asthma attack and went into cardiac arrest. Although a firetruck with firefighters trained as emergency medical technicians responded to the call in seven minutes, no D.C. ambulance was available to go to Robinson's home in the Wesley Heights section of Northwest Washington.

The medical runs are cutting the life expectancy of fire engines, which are not designed for such frequent trips, and the department has not been able to keep up with replacements, fire officials said. Latin said he hopes to reduce the number of engines responding to low-priority medical calls in January.

Current D.C. law requires that the city send an ambulance to anyone in the city who requests one. "We would be better off giving the public vouchers to take a cab," Ryan said.


Vincent Roux, chairman of the mayor's Emergency Medical Services advisory committee, said his group will consider whether the city's current law is the best approach.

"We will look at the law and the system to find ways to deliver better care," he said.

CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of December, 1995, caused a copy of the foregoing "Comments of Bell Atlantic NYNEX Mobile, Inc." to be sent by first-class mail, postage prepaid, on the following:

Jim Conran
President, Consumers First
P.O. Box 2346
Orinda, CA 94563



John T. Scott, III